

9/30/02

SUBJ: AMATEUR-BUILT DESIGNATED AIRWORTHINESS REPRESENTATIVES

1. PURPOSE. This order provides policy and guidance concerning new Designated Airworthiness Representative (DAR) qualification criteria limited to amateur-built airworthiness certification activities. This order also establishes a new function code for amateur-built airworthiness certification and:

- a. Revises the current DAR function codes 11 and 28.
- b. Defines new training requirements, and
- c. Modifies DAR geographic restrictions.

2. DISTRIBUTION. This order is distributed to the Washington Headquarters division levels of the Flight Standards Service; to the branch levels of the Aircraft Certification Service; to the branch levels in the regional Flight Standards Divisions and Aircraft Certification Directorates; to all Flight Standards District Offices; to all Aircraft Certification Field Offices, and all Manufacturing Inspection District and Satellite Offices; to the Aircraft Certification and Flight Standards Branches at the Federal Aviation Administration (FAA) Academy; to the Suspected Unapproved Parts Program Office; to the Brussels Aircraft Certification and Flight Standards Staff; to applicable Representatives of the Administrator; and to all International Field Offices.

3. BACKGROUND. Over the last several years, the demand to certificate amateur-built aircraft has outpaced the growth of FAA inspector resources. The pool of available manufacturing and maintenance DARs performing airworthiness certification of amateur-built aircraft has not increased sufficiently to alleviate the shortage of FAA inspectors. To meet the increased demand, maintain safety and while allowing the Aviation Safety Inspector workforce to focus on critical safety priorities, this order implements several changes. The changes herein are for applicants wishing to become DARs for amateur-built airworthiness certification activities and existing DARs having either function code 11 or 28.

4. EFFECTIVE DATE. This order becomes effective 90 days from the issuance date.

5. FORMS. Forms applicable to specific applications are found in FAA Order 8100.8, Designee Management Handbook, appendix 1, as referenced in the text.

6. REQUESTS FOR INFORMATION. All public requests for information regarding amateur-built DARs will be processed in accordance with the Freedom of Information Act. Refer to FAA Order 1200.23, Public Availability of Information, to obtain information concerning release of information to the public. Noted deficiencies, suggestions for clarification, or improvements regarding the content of

this order should be forwarded to the Aircraft Certification Service, Automated Systems Branch, AIR-520, Attention: Directives Management Officer, 800 Independence Avenue, SW., Washington, DC 20591. For the reader's convenience, FAA Form 1320-19, Directive Feedback Information, is located on the last page of this order. If an interpretation is urgently needed, you may contact the Production and Airworthiness Division, AIR-200, for guidance, but you should also use the Form 1320-19 as a follow up to verbal conversation.

7. AUTHORITY TO CHANGE THIS ORDER. The issuance, revision, or cancellation of the material in this order is the responsibility of the Aircraft Certification Service, Production and Airworthiness Division, AIR-200. This Division will accomplish all changes, as required, to carry out the agency's responsibility to provide for original and recurrent airworthiness certifications and related approvals for eligible aeronautical products. This responsibility includes the oversight and management of the DAR program.

8. DEVIATIONS. Adherence to the procedures in this order is necessary for uniform administration of this directive material. Any deviations from this guidance material must be coordinated and approved by AIR-200. If a deviation becomes necessary, the FAA employee involved should ensure the deviations are substantiated, documented, and concurred with by the appropriate supervisor. The deviation must be submitted to AIR-200 for review and approval. The limits of federal protection for FAA employees are defined by Title 28 United States Code § 2679.

9. RELATED FEDERAL REGULATIONS AND ORDERS.

- a. Title 14 Code of Federal Regulations (14 CFR), part 183, Representatives of the Administrator.
- b. FAA Order 8100.8, Designee Management Handbook.
- c. AC 183-35, Airworthiness Designee Function Codes and Consolidated Directory for DMIR/DAR/ODAR/DAS/DOA and SFAR No. 36.
- d. AC 20-126, Aircraft Certification Service Field Office Listing.

10. ACRONYMS. The following acronyms are used in this order:

A & P	Airframe and Powerplant
DAR	Designated Airworthiness Representative
DIN	Designee Information Network
EAA	Experimental Aircraft Association
FAA	Federal Aviation Administration
MIDO	Manufacturing Inspection District Office
TSI	Transportation Safety Institute
U.S.	United States

11. GENERAL. The following paragraphs incorporate changes to the DAR function codes, qualification criteria, training, and geographic restrictions related to applicants seeking to become a DAR with amateur-built functions only. All other policy and processes delineated in Order 8100.8 must be followed.

12. FUNCTION CODES. Currently appointed DARs (both manufacturing and maintenance), request and receive (if eligible) function codes 11 and 28 that authorize the issuance of special airworthiness certificates, experimental, for the purposes of operating amateur-built aircraft, market survey, research and development, and crew training. Function codes 11 and 28 can be found in FAA Order 8100.8, Designee Management Handbook, and Advisory Circular 183-35, Airworthiness Designee Function Codes and Consolidated Directory for DMIR/DAR/ODAR/DAS/DOA and SFAR No. 36. It has been determined that it would be easier to manage the new amateur-built DARs, with a new function code for issuing special airworthiness certificates, experimental, for operating amateur-built aircraft separate from other purposes (e.g., market survey, research and development, and crew training). The new function code will allow the FAA to:

a. Appoint individuals specifically targeted to performing amateur-built airworthiness certification activity.

b. Track through the Designee Information Network (DIN) the actual number of DARs who are appointed and are active in the issuance of airworthiness certificates for amateur-built aircraft.

c. Allow for analysis of geographic availability of amateur-built specific DARs.

13. REVISED FUNCTION CODE LANGUAGE. The following new function code 46, and revised language for existing function codes 11 and 28, supercede the existing language in Order 8100.8 and Advisory Circular 183-35. The language in Order 8100.8 will be revised at the next revision to the order. In addition, Advisory Circular 183-35 will be cancelled at that time.

a. **New Function Code 46.** The new function code states "Issue original/recurrent special airworthiness certificates, experimental, for the purpose of operating United States (U.S.) registered amateur-built aircraft."

b. **New Function Code 11 and 28.** The new function codes 11 and 28 state "Issue recurrent/original special airworthiness certificates, experimental, for the purposes of market survey, research and development, and crew training on U.S.-registered aircraft."

14. DARs WHO CURRENTLY ARE AUTHORIZED FUNCTION CODES 11 AND 28.

Managing offices must, within 90 days of the issuance of this order, inform DARs who currently are authorized function codes 11 and 28 of the changes in function codes. The letter must ask DARs if they wish to retain the authority for amateur-built functions and request they reply (in writing) within 60 days of receipt of the letter. The letter should explain that if no reply is received, the FAA will amend the current certificate of authority to delete the amateur-built functions and issue the revised code 11 or 28. The managing offices have 180 days from the issuance of this order to revise the certificates of authority for those DARs either retaining or surrendering their authority. All revised certificates of authority for existing DARs who wish to keep their authority, along with new applicants, will be issued function code 46 for the airworthiness certification of amateur-built aircraft.

15. LIMITATIONS. New amateur-built DARs must be limited by type and complexity in the same manner as DARs who perform airworthiness certification on type certificated aircraft. The limitations must be consistent with the amateur-built experience delineated in the application. Current DARs who are authorized function codes 11 or 28 and wish to retain this authority are "grandfathered" and may continue under their current limitations. Current DARs do not have to complete Transportation Safety Institute (TSI) training (see paragraph 19a of this order) or have their limitations changed as a result of this order. In addition DAR applicants who do not have sufficient amateur-built experience may complete (along with current DARs who wish to have their authority expanded) the DAR candidate process identified in Order 8100.8.

16. APPOINTMENT PROCESS. The selection and appointment processes detailed in Order 8100.8 will be followed for all amateur-built DAR applicants. The only deviations authorized are those that specifically pertain to amateur-built DARs (both process and paperwork requirements) that are detailed in this order. Applications may be made to either the geographic Manufacturing Inspection District Office (MIDO) or the Flight Standards National Examiners Board, in accordance with Order 8100.8.

17. SPONSORING ORGANIZATIONS. Sponsoring organizations are organizations involved in amateur-built aircraft activities and are recognized by the Administrator. These organizations, such as the Experimental Aircraft Association (EAA), Soaring Society of America (SSA), kit manufacturers, etc., provide technical assistance or training to the experimental aircraft builder. Recommendations are issued by responsible individuals within these organizations at the national or corporate level that can attest to an applicant's qualifications to the FAA, and are able to recommend them for appointment as an amateur-built DAR. Sponsoring organizations must have sufficient knowledge in the individual's background and abilities (e.g., work as a technical counselor, factory field representative, etc.) before recommending them to the FAA. The details of this knowledge must be included in the letter of recommendation to the FAA. The FAA may accept the letter of recommendation as submitted or contact the sponsoring organization if further information or clarification is needed. In addition, a letter of recommendation from a sponsoring organization in no way guarantees an applicant will be authorized as a DAR. As stated in Order 8100.8, designations are a privilege, not a right, and not every qualified applicant will be granted a designation. Exceptions to having a sponsoring organization letter may be made if the appointing office makes the determination that the individual's qualifications meets the minimum qualification criteria and it is in the best interest of the FAA for the appointment. If a letter is received from an organization not on the following list, contact AIR-200 to determine the organizations eligibility.

a. Recognized sponsoring organizations include:

- (1)** The Experimental Aircraft Association.
- (2)** The Soaring Society of America.
- (3)** The holder of an FAA Production Certificate, or
- (4)** Kit manufacturers on the FAA amateur-built kit listing that also have 10 customer-built aircraft flying in the U.S.

NOTE: The amateur built kit listing can be found on the aircraft certification web page at http://www.faa.gov/certification/aircraft/air_index.htm.

b. If an application is received with a letter from a sponsoring organization that does not meet the above criteria, AIR-200 may be contacted for direction regarding acceptability of the organization.

18. QUALIFICATION CRITERIA. The following qualification criteria will be used IN LIEU OF the qualification criteria found in Order 8100.8 for appointment of AMATEUR-BUILT DARs ONLY.

a. General.

(1) Each applicant must possess current technical knowledge and meet experience requirements concerning the construction of amateur-built aircraft (see Order 8100.8, appendix 1, figure 5).

(2) Three verifiable technical references from a cross section of individuals and organizations (i.e., Mechanic Certificate with Airframe and Powerplant (A&P) rating with an Inspection Authorization (IA), EAA technical counselor, former employers that can verify technical experience, sponsoring organization, etc.) are required to substantiate the applicant possesses the required technical expertise for the designation sought. These references may be the same persons or organizations used for character references.

NOTE: When a candidate is sponsored by a recognized sponsoring organization, one of the 3 technical references must be from the sponsoring organizations.

b. Specialized. For the issuance of special airworthiness certificates, experimental, for the purpose of operating amateur-built aircraft, the applicant must possess current knowledge relating to the fabrication, assembly, and operating characteristics of amateur-built aircraft and meet one or more of the following criteria:

(1) Holds an A & P and has built, received certification, and performed a minimum of 3 condition inspections on amateur-built aircraft of the same type and complexity as those for which authorization is sought. The aircraft certificated must have operated for a minimum of 100 hours to be included in the applicant's experience. In addition, the type and complexity determination should include methods of construction (i.e., metal, tube & fabric, wood, tube and sail) as well as the type of aircraft (i.e., fixed wing, balloon, rotorcraft) or;

(2) A minimum of 5 years experience as a field technical representative employed by a kit manufacturer, who's responsibilities included aircraft inspection and providing technical assistance to builders on the assembly and testing of their aircraft of the same type and complexity as those for which authorization is sought, or;

(3) Previous experience as a FAA inspector (manufacturing or maintenance) who has performed a minimum of 3 original airworthiness inspections on amateur-built aircraft.

c. Interface.

(1) The applicant must have a good command of the English language; oral and written, sufficient to allow them to perform the functions for which they seek delegation.

(2) Three verifiable character references are required to substantiate the applicant possesses integrity and sound judgment. These references may be the same persons or organizations used for technical references.

(3) The applicant must possess unquestionable integrity, sound judgment and a cooperative attitude. Also, the applicant must be sufficiently knowledgeable in technical and administrative functions associated with the appointment and must satisfactorily demonstrate this to the FAA prior to appointment.

(4) The applicant must have the ability to maintain the highest degree of objectivity while performing authorized functions on behalf of the FAA.

d. Standardization. This criteria verifies that the DAR applicant possesses knowledge of the designee program, pertinent regulations, directives and related guidance material by completing the FAA designee knowledge-based test (see Order 8100.8, appendix 1, figure 5).

19. TRAINING REQUIREMENTS. Amateur-built DAR applicants must understand that the designee program is of mutual benefit to the FAA and the designee in accomplishing certification responsibilities and must be accomplished the same way as if a FAA inspector were performing the function. Therefore, it is mandatory the applicant attend BOTH TSI amateur-built training (reference paragraph 19a below) and FAA Initial and Recurrent standardization training (tailored to amateur-built certification) to ensure a proper understanding of FAA expectations, policy, procedures, forms, records, and any issues unique to amateur-built aircraft. Newly appointed amateur-built DARs may be appointed, but NOT perform any certification activity unless all training has been completed. Failure to attend the initial and recurrent standardization seminars as required may be cause for termination. It is recommended that FAA Advisors attend the FAA initial standardization seminar and/or the recurrent seminars with the designee if practical. If not, following the seminar, the designee and the FAA Advisor should review the seminar content and agree upon the best use of the material presented. Depending on individual office workload and budget, FAA Advisors responsible for amateur-built DARs may also attend the TSI training. Advisors who are unable to attend the FAA seminars and/or TSI training may request training through the Individual Development Plan process.

a. Transportation Safety Institute (TSI) Training. TSI is a major training and technical assistance organization for the Department of Transportation. TSI training is conducted at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma and at the Experimental Aircraft Association in Oshkosh Wisconsin. The TSI amateur-built course is a PREREQUISITE FOR THE INITIAL FAA STANDARDIZATION SEMINAR described in paragraph 18b below. The TSI curriculum is reviewed, accepted and monitored by the FAA (AIR-200 and AFS-600), and administered by TSI. The curriculum consists of:

- (1) DAR Program.
- (2) Reducing Liability – Use of Interim Inspections, etc.
- (3) Types of Kits/Construction Methods.
- (4) Rules/Regulations.

- (5) Sample Inspection.
- (6) Common Issues/Problems.
- (7) Flight Safety Issues.

b. FAA Standardization Seminars:

(1) Initial standardization seminars are required training and may be accomplished within one year prior to appointment or within one year after appointment of the designee. Initial standardization seminars will be conducted as needed by the FAA's Regulatory Support Division (AFS-600) at the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma, and at the Experimental Aircraft Association Headquarters in Oshkosh, Wisconsin.

(2) Recurrent seminars provide updated information and technical or procedural guidance appropriate to individual technical specialties and are to be attended in accordance with Order 8100.8. Recurrent standardization seminars are presented as needed by the FAA's Regulatory Support Division (AFS-600) in conjunction with certain sport aviation events such as EAA's AirVenture (Oshkosh, WI), Sun 'N Fun (Lakeland, FL), etc.

c. Equivalent Training. Equivalent training provided by managing offices may NOT be substituted for attendance at either the FAA or TSI provided training. If there is any unique training required by the managing office, it may be conducted during designee orientation.

d. Training documentation. At the conclusion of the seminar(s), attendance will be entered into DIN by AFS-640 for those DAR applicants already entered into the DIN system. Attendees not entered into DIN will be provided seminar attendance certificates to mark completion of the seminar. The managing office should access DIN to determine when designees need to be scheduled for recurrent seminars to maintain their designation. TSI training need not be entered, however, annotation must be made in the designee's file upon completion.

20. DAR GEOGRAPHIC RESTRICTIONS. It is the FAA's intention that all designees perform their authorized function(s) within the managing office's geographic boundaries. However, to facilitate the availability of DARs performing amateur-built certifications, the following policy may be used in lieu of the policy contained in Order 8100.8 for DARs with the amateur-built function ONLY. All other DARs must follow the geographic policy contained in Order 8100.8. For amateur-built DARs, the following modified procedure may be used by the DAR and the FAA managing and geographic offices prior to performing amateur-built certification activity.

a. The designee will submit FAA Form 8130-13, Designee Geographic Expansion Authorization, to the managing office for authorization to work outside the assigned geographic area (see appendix 5, figure 2, of Order 8100.8). Upon receipt of the request, the managing office will endorse the Form 8130-13, inform the geographic office where the certification activity of the DAR is needed, and FAX the geographic office a copy of the endorsed 8130-13. The two offices will then determine the necessity of performing designee supervision for the requested activity, and if required, the geographic office will witness in accordance with Order 8100.8. Any discrepancies noted will be documented and provided to the managing office for the designee's file or appropriate action.

b. The DAR's responsibilities include contacting the geographic office in advance of their travel in order to provide the geographic office sufficient time should supervision be determined necessary. In addition, the DAR must be reminded to provide to the managing office, within seven days, all documentation required as a result of the certification activity performed. The DAR will be instructed to maintain a copy of the approved Form 8130-13 while performing the authorized function(s).

c. If two geographic offices have an ongoing need for a particular amateur-built DAR to perform certification activity across geographic boundaries, the two offices may establish a written agreement to allow the DAR to work between geographic offices without processing the Form 8130-13. This agreement should be re-evaluated annually and extended or terminated based on the individual office's needs and the level of certification activity. The method of conducting supervision shall be defined in the agreement and appropriate records kept by the managing office in the designee's file in accordance with Order 8100.8.

21. DURATION, RENEWAL, AND CHANGES TO CERTIFICATES. Order 8100.8 allows for the issuance of DAR certificates from 1 to 5 years at the discretion of the appointing office. For the purposes of the amateur-built DAR program, the duration shall be limited to one year until the working relationship between the DAR and the managing office has developed enough confidence to extend the renewal period.

22. MAINTENANCE OF FILES. Managing offices shall establish and maintain a file for each amateur-built designee in accordance with the provisions in Order 8100.8 for maintenance of files. In addition to the files required to be kept by Order 8100.8, a copy of the letter of recommendation from the sponsoring organization (if required) and documentation of TSI training must be maintained in the designee's file.

/s/

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